



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**SENT VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. and Ms. Eric and Rachel Hedrick  
Triple R Ranch  
HC 32 Box 63E  
Upper Tract, West Virginia 26866

RE: CWA Section 308 Information Requirement

Dear Mr. and Ms. Eric and Rachel Hedrick:

The United States Environmental Protection Agency ("EPA") hereby requires that you provide certain information regarding the Triple R Ranch poultry operation located at 5353 South Mill Creek Road, Upper Tract, WV 26866 ("Facility"). EPA requires this additional information as a part of its investigation of the Facility's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that you assert a claim of business confidentiality with respect to any document, you should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

If you have any factual questions concerning this information request, please contact Mr. Mark Zolandz at (215) 814-2319.

Sincerely,

Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division

Enclosure

cc: *via electronic mail*

Jeremy Bandy, DEP ([Jeremy.W.Bandy@wv.gov](mailto:Jeremy.W.Bandy@wv.gov))

Brad Wright, DEP ([Brad.M.Wright@wv.gov](mailto:Brad.M.Wright@wv.gov))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

\_\_\_\_\_  
In the Matter of:

Eric and Rachel Hedrick  
HC 32 Box 63E  
Upper Tract, WV 26866

Respondents  
\_\_\_\_\_

:  
:  
:  
Proceeding under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

**INFORMATION REQUIREMENT**

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Eric and Rachel Hedrick (“Respondents”) to provide the information specified below.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
  - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - c. any requirement under Section 308 of the CWA; and

- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
6. This Information Requirement does not preclude EPA from performing inspections.

### **III. INSTRUCTIONS**

7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
8. Identify each answer with the corresponding number of the question and subpart to which it responds.
9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by Respondents.

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."*

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

14. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Mark Zolandz  
Enforcement and Compliance Assurance Division  
United States Environmental Protection Agency, Region III  
1650 Arch Street (3ED32)  
Philadelphia, PA 19103-2029  
[zolandz.mark@epa.gov](mailto:zolandz.mark@epa.gov)

If you are unable to send requested documentation electronically, please contact Mr. Mark Zolandz via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Mr. Mark Zolandz of the Enforcement and Compliance Assurance Division at [zolandz.mark@epa.gov](mailto:zolandz.mark@epa.gov) or (215) 814-2319.

#### **IV. DEFINITIONS**

16. All terms not identified herein shall have their ordinary meaning, unless such terms are defined in the CWA, 33 U.S.C. § 1326, or its implementing regulations found at 40 C.F.R. Parts 122 and 412, in which case the statutory or regulatory definition shall apply.
17. The term "animal feeding operation" or "AFO" is a lot or facility where (a) animals have been, are, or will be stabled or confined and fed or maintained for 45 days or more in any twelve-month period and (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more AFOs under common ownership are considered to be a single AFO for purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.
18. The term "concentrated animal feeding operation" or "CAFO" is an AFO that is defined as a Large CAFO as defined in 40 C.F.R. §122.23(b)(4), is defined as a Medium CAFO as defined in 40 C.F.R.

§122.23(b)(6), or is designated as a CAFO in accordance with 40 C.F.R. §122.23(c).

19. The term “manure” includes manure and other materials commingling with manure (include but not limited to bedding, compost, and raw materials) and set aside for disposal.
20. The term “nutrient management plan” means any nutrient management plan, comprehensive nutrient management plan, animal waste management plan, manure management plan, conservation plan, or any other farm specific document that addresses the requirements set forth in 40 C.F.R. §122.42(e)(1).

## **V. INFORMATION REQUIREMENT**

The Respondents are hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

21. Provide the following information for the Triple R Ranch poultry operation located at 5353 South Mill Creek Road, Upper Tract, WV 26866 (“Facility”):
  - a. Type of livestock stabled or confined.
  - b. Current number of livestock stabled or confined.
  - c. Number of poultry houses.
  - d. Total bird capacity (for each house separately and for entire farm collectively).
  - e. Number of litter sheds.
  - f. Total capacity of litter shed(s), in tons.
  - g. Mortality management method of disposal.
22. Provide copies of all West Virginia National Pollutant Discharge Elimination System (“WV/NPDES”) permit applications, including CAFO permit applications, that were submitted to the West Virginia Department of Environmental Protection (“DEP”).
23. Provide copies of all WV/NPDES permit authorization and/or approval letters from DEP approving and granting WV/NPDES permit coverage, including CAFO permit coverage.
24. Provide copies of all WV/NPDES permits issued by DEP to the Facility since January 1, 2016.
25. Provide copies of the current nutrient management plan(s) and any and all previous nutrient management plans dated January 1, 2018 or later.
26. Provide copies of all land application records for the land application of manure, litter, and/or process wastewater from January 1, 2018 to the present, including, at a minimum:
  - a. Maps of fields for land application with individual fields identified.
  - b. The date, field location, amount, rate, and application method of each land application.
27. Provide copies of all manure export records for the export of manure, litter and/or process wastewater from January 1, 2018 to the present, including, at a minimum:

- a. The name and address of any recipient of transferred manure, litter, and/or process wastewater.
  - b. The date and quantity of manure, litter, and/or process wastewater transferred.
  - c. The manure, litter, and/or process wastewater nutrient analysis provided to the recipient(s).
28. Provide copies of all manure, litter, and process wastewater nutrient analysis results from January 1, 2018 to the present.
29. Provide copies of the all CAFO Annual Reports from January 1, 2018 to the present.
30. Provide copies of all records of self-inspections, including inspection dates, from January 1, 2018 to the present, including:
- a. Monthly inspections of the dry manure and litter storage structures and mortality composting structures.
  - b. Weekly inspections of the manure, litter, and process wastewater impoundments, including the level in the liquid impoundments as indicated by the depth marker.
  - c. Weekly inspections of all storm water diversion devices, runoff diversion structures, and all devices channeling contaminated storm water to the wastewater and manure storage and containment structure(s).
  - d. Weekly inspections of any temporary storage areas of dry manure or litter at the land application site(s).
  - e. Daily inspections of water lines, including drinking water or cooling water lines.
31. Provide copies of any and all notices of violation, orders, penalty assessments, or other enforcement actions issued by DEP since January 1, 2016.

## **VI. EFFECTIVE DATE**

This INFORMATION REQUIREMENT is effective upon receipt.

Date: \_\_\_\_\_

\_\_\_\_\_  
Richard A. Rogers, Chief  
Water Branch  
Enforcement and Compliance Assurance Division